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CF 100/-

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.NO. 197 / 2004

Petitioner : Rameshwar Gope S/o Bhagirathi, aged about 58 years, EP Electrician A Kurasia Colliery SECL Dist : Korea

Versus

Respondents :

1. The Chairman Cum Managing Director, SECL Seepat Road, Bilaspur-(C.G.)
2. The Chief General Manager SECL Kurasia Area, Dist : Korea
3. The Dy.Manager Personal Kurasia Colliery, Dist : Korea

WRIT PETITION U/A 226 / 227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(42)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 197/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

06.02.2004

Shri Prafulla Bharat, counsel for the petitioner.

Shri P.S. Koshy, counsel for respondents No. 1 to 3.

By this writ petition under Article 226/227 of the Constitution of India the petitioner has challenged the order dated 22.08.2003 (Annexure P-8) passed by the Manager, (Personnel) Kurasia Area, District Korea whereby the petitioner has been informed that he will be retiring on 29th March 2004.

The main grievance of the petitioner is that he was employed on the post of Electrician in the year 1966 and joined his duties at Korba Colliery, later on, in the year 1969 he was transferred to Chirmiri Colliery area and during that period his original service record was misplaced and merely on the basis of assumption the respondents have recorded his date of birth as 28.03.1944 without knowledge of the petitioner. In the year 1990 the petitioner came to know about this fact then he made a representation and on 16.07.1990 the respondents sent a memo, intimated the petitioner that according to the NCWA III instructions the certificate submitted by him is not recognized hence there would be no change in his date of birth. The petitioner again made representations, copy of which is Annexure P-5 & P-6 but the same have also not been considered.

I have heard learned counsel for the parties.

Learned counsel for the petitioner submits that the petitioner had received his early education in Hazaribagh, Bihar and he has submitted a school-leaving certificate (Annexure P-2) in which the date of birth of the petitioner has been recorded as 22.10.1945 but

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the respondents are not correcting his date of birth. He further submits that as per Clause-A(II) of that instructions in case of appointees who have pursued studies in a recognized educational Institution, the date of birth recorded in the School Leaving Certificate, shall be treated as correct date of birth and the same will not be altered under any circumstances. Learned counsel further submits that this instruction is not being adhered by the respondents. Therefore, the case of the petitioner may be referred to the Age Determination Committee as per Clause-C of the instructions; to which learned counsel for the respondents No.1 to 3 has no objection.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a representation before respondent No.1 within a period of ten days from today and the respondent No.1 will refer the case before the Age Determination Committee for determination of the age and the Committee as far as possible will determine the age of the petitioner before his date of superannuation as per the existing record and thereafter, based on the report of that Committee the respondent should take decision.

The petition is disposed of accordingly.

Consequently, M.W.P. No. 166/2004 & I.A. No.499/2004 also stand disposed of.

Certified copy as per Rules.

Sd/-
L.C. Bhadoo
Judge

Roshan/

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